

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No: 91-10437

DANIEL BARDEN

Defendant.

And

CHEMICAL BANK.

Garnishee Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter case was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on March 18, 2011, recommending that defendant's objection to the Garnishment (Doc #31) be Set Aside. No objections have been filed pursuant to 28 U.S.C. 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Objections to the Garnishment are **SET ASIDE**.

IT IS SO ORDERED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 11, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 11, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522